



**Public Service Commission**  
State of North Dakota

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OCT 4 - 2004

FCC - MAILROOM

COMMISSIONERS

Tony Clark, President  
Susan E. Wefald  
Kevin Cramer

Executive Secretary  
Illona A. Jeffcoat-Sacco

September 30, 2004

600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
web: www.psc.state.nd.us  
e-mail: ndpsc@psc.state.nd.us  
TDD 800-366-6888  
Fax 701-328-2410  
Phone 701-328-2400

Marlene H Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St SW Room TW - A306  
Washington D C 20554

DOCKET FILE COPY ORIGINAL

Irene M Flannery  
Vice President High Cost & Low Income Division  
Universal Service Administrative Company  
2000 L St NW Ste 200  
Washington D C 20036

RE: Certification of High Cost Support for Rural Carriers Under 47 C.F.R Sections  
54.314 CC Docket No. 96-45

Dear Ms. Dortch and Ms. Flannery:

Attached is a is a copy of the September 28, 2004 Order of the North Dakota Public Service Commission and the affidavits from Halstad Telephone Company and HTC Services, Inc. accounting to the North Dakota Public Service Commission by affidavit that all federal support it will receive in 2005 will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, consistent with section 254 (e) of the Communications Act of 1934, as amended.

**PUBLIC SERVICE COMMISSION**

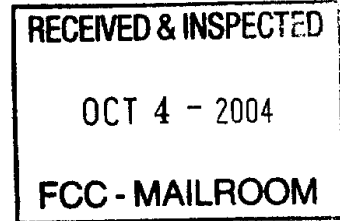
  
Susan E. Wefald  
Commissioner

"ABSENT"  
Tony Clark  
President

  
Kevin Cramer  
Commissioner

No. of Copies rec'd 0  
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**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**



**Public Service Commission**  
**USF Use Certification 47CFR54.314 (2005)**  
**Compliance**

**Case No. PU-04-378**

**ORDER**

**September 30, 2004**

Section 254(e) of the Telecommunications Act of 1996 (Act) requires telecommunications carriers to use universal service support "only for the provision, maintenance, and upgrading of facilities and services for which support is intended." On May 23, 2001, the Federal Communications Commission (FCC) released its Fourteenth Report and Order, Twenty-Second Order on Reconsideration, and Further Notice of Proposed Rulemaking in CC Docket No. 96-45, and Report and Order in CC Docket No. 00-256 (Fourteenth R&O). The Fourteenth R&O requires that each state public utility regulatory authority file an annual certification with the FCC to ensure that rural telecommunications carriers receiving federal funds under the program use the support only as provided in Section 254(e) of the Act. State certification must be filed no later than October 1 of each year in order for certified telecommunications carriers to receive support for the following year, 47 C.F.R. § 54.314(d).

On August 28, 2002, the NDPSC issued an order in Case No. PU-439-02-441 indicating that any telecommunications carrier providing local exchange service in North Dakota that desires to have NDPSC certification to the FCC under 47 C.F.R. §§54.313 or 54.314 shall file an affidavit with the NDPSC by September 14 of each year, as described in the order, certifying that federal support they receive is used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended as required by Section 254(e). The NDPSC further ordered that affidavits filed with the NDPSC will be the basis for the NDPSC's certification to the FCC.

Affidavits regarding use of federal universal service support for the year 2005 were filed with the NDPSC by the companies listed in the ordering clause below.

Under North Dakota law, the NDPSC has limited jurisdiction over rural telecommunications carriers. The FCC in its order recognized that some states have only limited regulatory oversight to ensure that federal universal support is reflected in intrastate rates and concluded that such states may nonetheless certify to the FCC that carriers in the state had accounted to the state commission for receipt of federal support, and that the support will be used as required under Section 254(e). (See Fourteenth R&O at ¶ 188). The FCC also recognized that some carriers may not be subject to the jurisdiction of a state regulatory authority, and in those instances carriers

can certify directly to the FCC by means of a sworn affidavit executed by a corporate officer attesting to the use of the support only for purposes permitted under the Act. (See Fourteenth R&O at ¶ 189).

Based on the foregoing, the NDPSC issues the following:

### **Order**

1. The NDPSC certifies that the following Eligible Telecommunications Carriers providing local exchange service in North Dakota have accounted to the NDPSC by affidavit that all federal support they receive is used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended as required by Section 254(e), or that they will only use the support they receive during the four quarters of 2005 (and all quarters thereafter) for the provision, maintenance, and upgrading of facilities and services for which the support is intended under and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.101 throughout each respective company's study area:

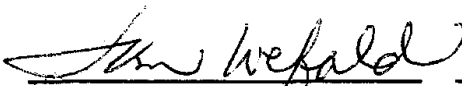
#### **LIST OF COMPANIES**

Halstad Telephone Company  
HTC Services, Inc.

2. The NDPSC certification is based upon the affidavits filed by the foregoing named Eligible Telecommunications Carriers.

3. A copy of each of the filed affidavits is attached to this order.

### **PUBLIC SERVICE COMMISSION**

  
**Susan E. Wefald**  
Commissioner

"ABSENT"

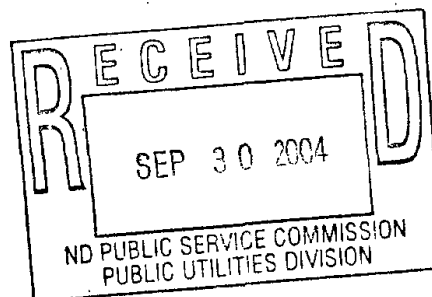
**Tony Clark**  
President

  
**Kevin Cramer**  
Commissioner

 **HTC** *Services, Inc.*

September 30<sup>th</sup>, 2004

North Dakota Public Service Commission  
Ilona Jeffcoat-Sacco  
Executive Secretary  
State Capitol, 12<sup>th</sup> Floor  
600 East Boulevard Avenue, Dept. 408  
Bismarck, ND 58505-0480

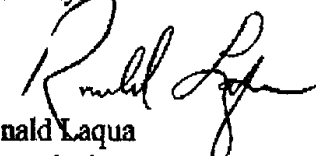


RE: USF Certification – Case Nos. PU-439-01-460 & PU-439-02-441  
For HTC Services, Inc.

Dear Ms. Jeffcoat-Sacco:

Enclosed for filing in accordance with the Commission's Order of August 28<sup>th</sup>, 2002 in the above-referenced proceeding, is an Affidavit certifying that all universal service support will only be used for the provision, maintenance, and upgrading of facilities and services for which the support is intended. In making this filing, the undersigned company is at this time neither contesting nor conceding the jurisdiction of the North Dakota Public Service Commission to act in this proceeding.

Sincerely,



Ronald Laqua  
General Manager

345 Second Avenue West \* Post Office Box 55 \* Halstad, Minnesota 56548-0055  
t: 218-456-2125 \* f: 218-456-2196 \* [www.halstadtel.com](http://www.halstadtel.com)

OCT 4 - 2004

FCC - MAILROOM

BEFORE THE NORTH DAKOTA PUBLIC SERVICE COMMISSION IN CASE NO. PU-439-02-441  
AND BEFORE THE FEDERAL COMMUNICATIONS COMMISSION IN DOCKET NO. 96-45

**AFFIDAVIT OF HTC SERVICES, INC. REGARDING  
CERTIFICATION OF USE OF FEDERAL UNIVERSAL SERVICE SUPPORT**

State of North Dakota       )  
  ) ss.  
County of Traill               )

Ronald Laqua, being first duly sworn on oath, does hereby declare and state upon  
affiant's own personal knowledge as follows:

1. Affiant is employed by HTC Services, Inc. (hereinafter, the "Company"), in the position of General Manager.
2. The Company is an eligible telecommunications carrier within the meaning of Section 214(c) of the Federal Telecommunications Act of 1996 (hereinafter, the "Act"), and the Company is eligible to receive federal high-cost universal service support (hereinafter, the "Support") pursuant to Section 254(e) of the Act. The North Dakota Public Service Commission (hereinafter, the "NDPSC") has designated the Company as an eligible telecommunications carrier.
3. Affiant is personally familiar with all of the Support received by the Company, and with how the Company uses all of Support that it receives.
4. The Company is filing this affidavit in compliance with the order of the Federal Communications Commission (hereinafter, "FCC") dated May 23, 2001, in Docket Number 96-45 (FCC 01-157) (hereinafter, the "Order"), as codified in 47 C.F.R. § 54.314, which requires certification to the FCC that all federal Support will be used by carriers within each state only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, as required by Section 254(e) of the Act and 47 C.F.R. § 54.7. The Company is also filing this affidavit in compliance with the Orders of the NDPSC dated August 28, 2001, in Case No. PU-439-01-460 and August 28, 2002, in Case No. PU-439-02-441. This affidavit is filed to facilitate the Company's receipt of federal Support for all four quarters of 2005, and for all quarters thereafter.
5. The Company hereby certifies that it will only use the Support that the Company receives during the four quarters of 2005 (and all quarters thereafter) for the provision, maintenance, and upgrading of facilities and services for which the Support is intended pursuant to and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.7. The Company will use the Support to support the following services, as designated in 47 C.F.R. § 54.101, throughout the Company's study area: (a) voice grade access to the public switched network; (b) local usage; (c) dual-tone multi frequency signaling or its functional equivalent; (d) single-party service or its functional equivalent; (e) access to emergency services; (f) access to operator services; (g) access to interexchange service; (h) access to directory assistance; and (i) toll limitation for qualifying low-income consumers.

Dated this 30<sup>th</sup> day of September, 2004


HTC Services, Inc.

By

Ronald Laqua  
General Manager

State of MINNESOTA )  
 ) ss.  
County of NORMAN )

On this 30<sup>th</sup> day of September, 2004, before me, a Notary Public in and for said County and State, personally appeared Ronald Laqua, known to me to be the General Manager of HTC Services, Inc., the corporation that is described in and that executed the within instrument, and acknowledged to me that such corporation executed the same.

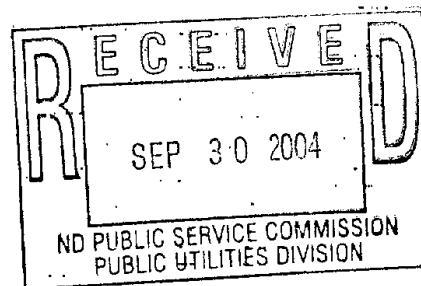
 RANDALL C. AAGAARD  
Notary Public - Minnesota  
My Comm. Expires Jan. 31, 2005  
For the State of MINNESOTA  
My commission expires: 01/31/05



SINCE 1904

September 30<sup>th</sup>, 2004

North Dakota Public Service Commission  
Illona Jeffcoat-Sacco  
Executive Secretary  
State Capitol, 12<sup>th</sup> Floor  
600 East Boulevard Avenue, Dept. 408  
Bismarck, ND 58505-0480

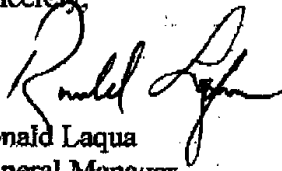


RE: USF Certification – Case Nos. PU-439-01-460 & PU-439-02-441  
For Halstad Telephone Company

Dear Ms. Jeffcoat-Sacco:

Enclosed for filing in accordance with the Commission's Order of August 28<sup>th</sup>, 2002 in the above-referenced proceeding, is an Affidavit certifying that all universal service support will only be used for the provision, maintenance, and upgrading of facilities and services for which the support is intended. In making this filing, the undersigned company is at this time neither contesting nor conceding the jurisdiction of the North Dakota Public Service Commission to act in this proceeding.

Sincerely,

  
Ronald Laqua  
General Manager

88 PU-04-378

Pages: 1

Letter re USF Use Certification

by Halstad Telephone Company

09/30/2004

CC: Comm Legal PUD (3)

OCT 4 - 2004

FCC - MAILROOM

BEFORE THE NORTH DAKOTA PUBLIC SERVICE COMMISSION IN CASE NO. PU-439-02-441  
AND BEFORE THE FEDERAL COMMUNICATIONS COMMISSION IN DOCKET NO. 96-45

**AFFIDAVIT OF HALSTAD TELEPHONE COMPANY REGARDING  
CERTIFICATION OF USE OF FEDERAL UNIVERSAL SERVICE SUPPORT**

State of North Dakota            )  
  ) ss.  
County of Traill                    )

Ronald Laqua, being first duly sworn on oath, does hereby declare and state upon affiant's own personal knowledge as follows:

1. Affiant is employed by Halstad Telephone Company (hereinafter, the "Company"), in the position of General Manager.

2. The Company is an eligible telecommunications carrier within the meaning of Section 214(e) of the Federal Telecommunications Act of 1996 (hereinafter, the "Act"), and the Company is eligible to receive federal high-cost universal service support (hereinafter, the "Support") pursuant to Section 254(e) of the Act. The North Dakota Public Service Commission (hereinafter, the "NDPSC") has designated the Company as an eligible telecommunications carrier.

3. Affiant is personally familiar with all of the Support received by the Company, and with how the Company uses all of Support that it receives.

4. The Company is filing this affidavit in compliance with the order of the Federal Communications Commission (hereinafter, "FCC") dated May 23, 2001, in Docket Number 96-45 (FCC 01-157) (hereinafter, the "Order"), as codified in 47 C.F.R. § 54.314, which requires certification to the FCC that all federal Support will be used by carriers within each state only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, as required by Section 254(e) of the Act and 47 C.F.R. § 54.7. The Company is also filing this affidavit in compliance with the Orders of the NDPSC dated August 28, 2001, in Case No. PU-439-01-460 and August 28, 2002, in Case No. PU-439-02-441. This affidavit is filed to facilitate the Company's receipt of federal Support for all four quarters of 2005, and for all quarters thereafter.

5. The Company hereby certifies that it will only use the Support that the Company receives during the four quarters of 2005 (and all quarters thereafter) for the provision, maintenance, and upgrading of facilities and services for which the Support is intended pursuant to and consistent with Section 254(e) of the Act and 47 C.F.R. § 54.7. The Company will use the Support to support the following services, as designated in 47 C.F.R. § 54.101, throughout the Company's study area: (a) voice grade access to the public switched network; (b) local usage; (c) dual-tone multi frequency signaling or its functional equivalent; (d) single-party service or its functional equivalent; (e) access to emergency services; (f) access to operator services; (g) access to interexchange service; (h) access to directory assistance; and (i) toll limitation for qualifying low-income consumers.

Dated this 30<sup>th</sup> day of September, 2004

Halstad Telephone Company

By

Ronald Laqua  
Ronald Laqua  
General Manager

State of MINNESOTA )  
 ) ss.  
County of NORMAN )

On this 30<sup>th</sup> day of September, 2004, before me, a Notary Public in and for said County and State, personally appeared Ronald Laqua, known to me to be the General Manager of Halstad Telephone Company, the corporation that is described in and that executed the within instrument, and acknowledged to me that such corporation executed the same.

RANDALL C. ARESTAD  
RANDALL C. ARESTAD  
Notary Public-Minnesota  
My Comm. Expires Jan. 31, 2005  
RANDALL C. ARESTAD  
Notary Public  
For the State of MINNESOTA  
My commission expires: 01/31/2005

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Public Service Commission**  
**USF Use Certification 47CFR54.34 (2005)**  
**Compliance**

**Case No. PU-04-378**

**AFFIDAVIT OF SERVICE BY FEDERAL EXPRESS**

**STATE OF NORTH DAKOTA**  
**COUNTY OF BURLEIGH**

**Sharon Helbling** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **30th day of September, 2004**, she deposited in the United States Mail, Bismarck, North Dakota, **two** envelopes by **FEDERAL EXPRESS**, fully prepaid, securely sealed and each containing a photocopy of:

**Order**

The envelopes were addressed as follows:

Marlene H Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St SW Rm TW – A306  
Washington D C 20554

Irene Flannery  
Vice President High Cost & Low Income  
Division  
Universal Service Administrative Company  
2120 L St NW Ste 200  
Washington D C 20036

Each address shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me  
this **30th day of September, 2004**.

---

Notary Public

SEAL